IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.884 OF 2006

Bharatkumar Shantilal Oswal .. Petitioner

Versus

Anjanabai Vardichand Porwal .. Respondent

Mr.A.P.Vanarse for petitioner

CORAM : S.C.DHARMADHIKARI, J.

DATE : 20th February 2006.

P.C.

. Heard Mr.Vanarase for petitioner. No reason to interfere with the order of trial court refusing the petitioner the permission to amend the written statement. It is for the court below

to satisfy itself about the reasonableness and bonafides of the need of landlord and needless to state that such satisfaction is recorded only after materials are perused. Such materials, which need not necessarily be produced only by the landlord but also by the respondent tenant, are necessary for recording a finding on this issue. It would be open for petitioner to place the documents by appropriate proceeding including summoning witnesses for proving his case that the business in question is not being carried out by either the plaintiff landlord or his successor in title. Petition dismissed.

(S.C.DHARMADHIKARI, J)